

Legal Issues of Interest to DER's

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TORTS

- ✓ FTCA -- Protects "employees"
- ✓ Designees are NOT employees
- ✓ FAA has insufficient control over day-to-day activities of designees

TORTS *(cont.)*

✓ Alternatives:

- Insurance
- “Subrogation” and “Hold Harmless”
from employer
- Additional insured

RESCISSION

- ✓ 49 USC 44702(d) authorizes FAA to appoint designees
- ✓ This section states that designation may be rescinded “. . . at any time for any reason the Administrator considers appropriate.”

RESCISSION *(cont.)*

- ✓ Cf. Certificates (§44709 -- formal “due process” for suspending and revoking)
- ✓ Reason for difference is:
 - Designees are authorized to act on behalf of FAA
 - Certificate holders are simply exercising privileges as private persons
- ✓ Some District Court decisions require “due process.” (Some don’t.)

RESCISSION *(cont.)*

- ✓ FAA Order 8130.24 provides:
 - Written notice stating reasons and allowing request for reconsideration
 - Written response or meeting with ACO Manager
 - Notice of results and permission to seek second reconsideration
 - Meeting with Directorate Manager
 - Letter stating decision -- “Order of Administrator”

The word "QUESTIONS???" is rendered in a large, bold, 3D block font. The letters are white with a thick black outline and a grey drop shadow, giving them a three-dimensional appearance. The text is slanted upwards from left to right. It is centered within a large, empty rectangular frame that has a thin black border.